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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,981	11/28/2003	Humberto Urriola	ASP31	9030

7590 04/01/2005

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT PAPER NUMBER

3671

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,981

Applicant(s)

URRIOLA ET AL.

Examiner

Alexandra K Pechhold

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, and 8 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1, 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Urriola (US 5,810,510).**

Regarding claim 1, Uorilla discloses a roadway or other transport corridor drainage system, seen in the embodiment of Fig. 5, comprising:

- at least the edge surface, of the roadway or other transport corridor, being permeable to water, seen as upper layer (17) of double -walled drainage cell material (11), such that water can flow therethrough;
- a water permeable drain, seen as first holding tank (16), located at least below the permeable edge surface, and
- a water permeable retention tank, seen as channel (15), connected to the permeable drain, such that runoff passes through the permeable surface into the drain and into the tank, where the water is stored and flows back into the soil through the tank's walls (see Col 4, lines 32-41).

Regarding claim 4, Uorilla discloses a roadway or other transport corridor drainage system, seen in the embodiment of Fig. 5, comprising:

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- at least the edge surface, of the roadway or other transport corridor, being permeable to water, seen as upper layer (17) of double -walled drainage cell material (11), such that water can flow therethrough;
- a water permeable drain, seen as first holding tank (16), located at least below the permeable edge surface, and
- a water permeable retention tank comprising permeable box like modules having perforated surfaces, seen as channel (15) made up of box like drainage cells (11) with perforated walls (see Fig. 4), and connected to the permeable drain, such that runoff passes through the permeable surface into the drain and into the tank, where the water is stored and flows back into the soil through the tank's walls (see Col 4, lines 32-41).

Regarding claim 7, Uorilla discloses a roadway or other transport corridor drainage system, seen in the embodiment of Fig. 5, comprising:

- at least the edge surface, of the roadway or other transport corridor, being permeable to water, seen as upper layer (17) of double -walled drainage cell material (11), such that water can flow therethrough;
- a water permeable drain, seen as first holding tank (16), located at least below the permeable edge surface, and
- a water permeable retention tank comprising permeable box like modules having perforated surfaces, seen as channel (15) made up of box like drainage cells (11) with perforated walls (see Fig. 4), and covered in water permeable geotextiles, seen as geotextile material (9), and connected to the permeable drain, such that

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runoff passes through the permeable surface into the drain and into the tank, where the water is stored and flows back into the soil through the tank's walls (see Col 4, lines 32-41).

Regarding claims 2, 5, and 8, the upper layer (17) of double-walled drainage cell material (11) in Fig. 5 of Uorilla has two perforated planar members, seen as (8) and (8) in Fig. 4, held apart by substantially rigid spacer members, seen as (1), (1), and (1) in Fig. 4; (Col 3, lines 53-56); the voids in the drainage structure being filled with aggregate such that water can permeate therethrough, disclosed as the sand surrounding the structure.

Allowable Subject Matter

3. Claims 3, 6, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

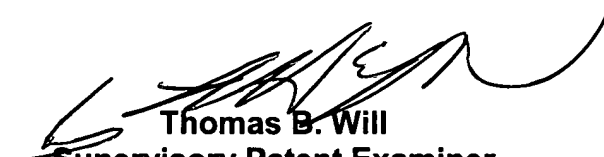
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
3/28/05